

**REMARKS**

In the Office Action, the Examiner rejected claims 1-22. By this paper, Applicants have added new claims 23 and 24 and amended claims 1, 17, and 20 for clarification of certain features to expedite allowance of the present application. These amendments do not add any new matter. Upon entry of these amendments, claims 1-24 are pending in the present application and are believed to be in condition for allowance. In view of the foregoing amendments and the following remarks, Applicants respectfully request reconsideration and allowance of all pending claims.

**Interview Summary**

In accordance with 37 C.F.R. § 1.133 and M.P.E.P. § 713.04, the Applicant presents the following summary of a telephonic interview between the Examiner and the Applicants' Attorney, David M. Hoffman, Reg. No. 54,174. The interview was conducted on January 30, 2006. The interview was initiated by the Applicants' Attorney to discuss the subject matter disclosed by Chen et al. (U.S. Pub. No. 2003/0211859, hereafter "the Chen reference"). After a detailed discussion, the Examiner and the Applicants' Attorney were unable to reach a consensus regarding the teachings the Chen reference.

**Claim Rejection under 35 U.S.C. § 102**

In the Office Action, the Examiner rejected claims 1-5, 8-11, and 17-21 under 35 U.S.C. § 102(a) as being anticipated by Chen et al. (U.S. Pub. No. 2003/0211859, hereafter “the Chen reference”). Applicants respectfully traverse this rejection.

***Legal Precedent***

Anticipation under Section 102 can be found only if a single reference shows exactly what is claimed. *See Titanium Metals Corp. v. Banner*, 227 U.S.P.Q. 773 (Fed. Cir. 1985). For a prior art reference to anticipate under Section 102, every element of the claimed invention must be identically shown in a single reference. *See In re Bond*, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). That is, the prior art reference must show the *identical invention “in as complete detail as contained in the ... claim”* to support a *prima facie* case of anticipation. *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q. 2d 1913, 1920 (Fed. Cir. 1989) (emphasis added). Thus, for anticipation, the cited reference must not only disclose all of the recited features but must also disclose the *part-to-part relationships* between these features. *See Lindermann Maschinenfabrik GMBH v. American Hoist & Derrick*, 221 U.S.P.Q. 481, 486 (Fed. Cir. 1984). Accordingly, Applicants need only point to a single element or claimed relationship not found in the cited reference to demonstrate that the cited reference fails to anticipate the claimed subject matter. A *strict correspondence* between the claimed language and the cited reference must be established for a valid anticipation rejection.

Moreover, Applicants submit that, during patent examination, the pending claims must be given an interpretation that is *reasonable* and *consistent* with the specification. *See In re Prater*, 162 U.S.P.Q. 541, 550-51 (C.C.P.A. 1969); *In re Morris*, 44 U.S.P.Q.2d 1023, 1027-28 (Fed. Cir. 1997); see also M.P.E.P. § 2111 (describing the standards for claim interpretation during prosecution). Indeed, the *specification* is “the primary basis for construing the claims.” *See Phillips v. AWH Corp.*, No. 03-1269, -1286, at 13-16 (Fed. Cir. July 12, 2005) (citations omitted). It is usually dispositive. *See id.* Interpretation of the claims must also be consistent with the interpretation that those skilled in the art would reach. *See In re Cortright*, 49 U.S.P.Q.2d 1464, 1468 (Fed. Cir. 1999); *see also* M.P.E.P. § 2111. That is, recitations of a claim must be read as they would be interpreted by those of ordinary skill in the art. *See Rexnord Corp. v. Laliram Corp.*, 60 U.S.P.Q.2d 1851, 1854 (Fed. Cir. 2001); *see also* M.P.E.P. § 2111.01. In summary, an Examiner, during prosecution, must interpret a claim recitation as one of ordinary skill in the art would reasonably interpret the claim in view of the specification. *See In re American Academy of Science Tech Center*, 70 U.S.P.Q.2d 1827 (Fed. Cir. 2004).

***Claims 1-16 and 20-22***

Applicants respectfully assert that several features of independent claims 1 and 20 are not disclosed by the Chen reference. For example, independent claim 1, as amended, recites a “transceiver unit comprising … a communication interface … to facilitate communication between the transceiver and an access network unit over an undedicated

public network, *wherein the communication between the transceiver and the access network unit is independent of a dedicated connection.*” (Emphasis added). Independent claim 20, as amended, recites “processing the information to form an information packet suitable for transmission to an access network unit via an undedicated public network; and transmitting the information packet to a controller *independent of a dedicated connection.*” (Emphasis added).

In sharp contrast, the Chen reference discloses a system for “multicasting media to the group of target communication devices to save network resources.” Chen, abstract, lines 1-5. As illustrated by Figs. 1 and 2 of the Chen reference, Chen discloses a system in which a mobile station 206 transmits data wirelessly across an air interface 208 to a base station 204. *See* Chen, paragraph 22, lines 1-8. This received data is then transmitted from the base station 204 to a base station controller via *a dedicated connection.* *See* Chen, Fig. 2. The received data then travels from the BSC 110 to the packet control function (“PCF”) 112 via *another dedicated connection.* *See* Chen, Fig. 1; *see also* paragraph 19. The data then travels from the PCF 110 to the packet data switching node (“PDSN”) 106 via yet *another dedicated connection.* *See id.* Then and only then does the data travel via the IP network 108 to a group call server 102. *See id.* As such, rather than disclose “communication between the receiver and the access network unit [that] is independent of a dedicated connection,” as recited in claim 1, for example, the Chen reference discloses transmission over no less than *three separate dedicated connections* between the base station 204 and the group call server 102. For at

least these reasons, Applicants respectfully assert that the Chen reference does not disclose the above-recited features of independent claims 1 and 20. Accordingly, Applicants respectfully request withdrawal of the Section 102 rejection and allowance of claims 1 through 16 and 20-22.

***Claims 17-19***

Applicants also assert that the features of independent claim 17 are also not disclosed by the Chen reference. For example, independent claim 17, as amended, recites a “tangible medium having a software program … comprising … at least one routine for facilitating communication of information over an undedicated public network between at least one base station … and a controller, which is adapted to process information communicated with the at least one base station, *wherein the controller is located between the base station and a mobile switching center.*” (Emphasis added).

In sharp contrast, as described above, the Chen reference discloses a system in which the IP network 108 is located between the PDSN 106 and the group call server 102. *See Chen, Fig. 1.* Although the Chen reference does not specifically disclose a mobile switching center, one of ordinary skill in the art will appreciate that a mobile switching center, although not illustrated, would be located somewhere between the PDSN 106 and the BSC 110. As such, the group call server 102 could not be equivalent to the above-recited “controller,” because it is not “located between the base station and a mobile switching center,” as recited in claim 17. For at least this reason, Applicants

respectfully assert that the Chen reference does not disclose the above-recited features of independent claim 17. Accordingly, Applicants respectfully request that the Examiner withdraw the Section 102 rejection and allow claims 17-19.

**Claim Rejections under 35 U.S.C. § 103(a)**

The Examiner rejected claims 6 and 7 under 35 U.S.C. § 103(a) as being unpatentable over the Chen reference in view of Kowalski et al. (U.S. Patent No. 6,631,410, hereafter referred to as “the Kowalski reference”); rejected claims 12-14 under 35 U.S.C. § 103(a) as being unpatentable over the Chen reference in view of Eilers et al. “Reradiation (Echo) Analysis of a Tapered Tower Section Supporting a Side-Mounted DTV Broadcast Antenna and Corresponding Azimuth Pattern,” (hereafter referred to as “the Eilers reference”); rejected claims 15 and 16 under 35 U.S.C. § 103(a) as being unpatentable over the Chen reference in view of Ketonen (U.S. Patent No. 6,104,917, hereafter referred to as “the Ketonen reference”); and rejected claim 22 under 35 U.S.C. § 103(a) as being unpatentable over the Chen reference in view of Onweller et al. (U.S. Patent No. 6,931,102, hereafter referred to as “the Onweller reference”).

***Claim 22***

As stated above, the Examiner rejected claim 22 as obvious over the Chen reference in view of the Onweller reference. First, Applicants respectfully submit that claim 22 is allowable based on its dependency on claim 1, because the Onweller reference does not cure the deficiencies described above with regard to the Chen reference. For at

least this reason, claim 22 is believed to be allowable over the cited references taken alone or in conjunction with each other. Thus, Applicants respectfully request withdrawal of the rejection of claim 22.

Second, Applicants also assert that Onweller reference does not disclose the features attributed to it by the Examiner. More specifically, Applicants assert that the Onweller reference does not disclose a “transceiver [that] is assigned an IP address to facilitate communications with the access network unit over the *undedicated public network*,” as recited in claim 22 (emphasis added), because the Onweller reference clearly does not disclose an undedicated public network. In fact, the Onweller discloses the opposite – a private network. *See* Onweller, col. 5, lines 30-40. More particular, the IP network 34, which was cited by the Examiner is a “[p]rivate IP network 34 [that] connects monitoring center 14 to host processor 26 for receiving the data signals from alarm circuits 24a, 24b, 24c, and 24d.” *See id.* Moreover, the Chen reference cannot cure this deficiency in the Onweller reference because the Examiner conceded in the Office Action that the Chen reference does not disclose these claim features. *See* Office Action, page 10, lines 1-3. As such, Applicants respectfully assert claim 22 is patentable over the Chen reference and the Onweller reference taken alone or in combination with each other.

Third, Applicants also assert that Onweller reference cannot disclose the above-referenced claim features, because the transceiver 66 cited by the Examiner does not even communicate over the private IP network 34. *See* Onweller, col. 7, lines 35-51. Rather,

the transceiver 66 is assigned an IP address to facilitate communication with the Unix server 80 over a dedicated fiber communication lines 62a, 62b, 6c, and 62d. *See* Onweller, col. 6, lines 10-17. As such, the IP address assigned to the transceiver 66 is clearly not “to facilitate communications with the access network unit over the undedicated public network,” as recited in claim 22. Moreover, the Chen reference cannot cure this deficiency in the Onweller reference because the Examiner conceded in the Office Action that the Chen reference does not disclose these claim features. *See* Office Action, page 10, lines 1-3. As such, Applicants respectfully assert claim 22 is patentable over the Chen and Onweller references taken alone or in combination with each other.

For each of the reasons set forth above, Applicants respectfully assert that the Chen reference and the Onweller reference, taken alone or in combination, do not disclose the above-recited features of dependent claim 22. Accordingly, Applicants respectfully request withdrawal of the Section 103 rejection and allowance of dependent claim 22.

***Claims 6 and 7***

As stated above, the Examiner rejected claims 6 and 7 as obvious over the Chen reference in view of the Kowalski reference. Applicants respectfully submit that claims 6 and 7 are allowable based on their dependencies on claim 1, because the Kowalski reference does not cure the deficiencies described above with regard to the Chen

reference. For at least this reason, claims 6 and 7 are believed to be allowable over the cited references taken alone or in conjunction with each other. Thus, Applicants respectfully request withdrawal of the rejection of claims 6 and 7.

***Claims 12-14***

As stated above, the Examiner rejected claims 12-14 as obvious over the Chen reference in view of the Eilers reference. Applicants respectfully submit that claims 12-14 are allowable based on their dependencies on claim 1, because the Eilers reference does not cure the deficiencies described above with regard to the Chen reference. For at least this reason, claims 12-14 are believed to be allowable over the cited references taken alone or in conjunction with each other. Thus, Applicants respectfully request withdrawal of the rejection of claims 12-14.

***Claims 15 and 16***

As stated above, the Examiner rejected claims 15 and 16 as obvious over the Chen reference in view of the Ketonen reference. Applicants respectfully submit that claims 15 and 16 are allowable based on their dependencies on claim 1, because the Ketonen reference does not cure the deficiencies described above with regard to the Chen reference. For at least this reason, claims 15 and 16 are believed to be allowable over the cited references taken alone or in conjunction with each other. Thus, Applicants respectfully request withdrawal of the rejection of claims 15 and 16.

**New Claims**

Applicants respectfully requests that new dependent claims 23 and 24 be considered. These claims are fully supported by the specification, and Applicants respectfully submit that the prior art of record does not disclose the recited subject matter of claims 23 and 24. For this reason, Applicants respectfully submit that new claims 23 and 24 are allowable over the cited references, taken alone or in combination with each other.

**Payment of Fees and General Authorization for Extensions of Time**

By the present response, two dependent claims have been added. There are now 24 total claims, of which 3 are independent. Because the total number of claims previously paid for was 22 with 3 independent claims, Applicants authorize the Commissioner to charge the appropriate fee of \$100 to the attached PTO-2038.

Applicants hereby request a one month extension of time, and Applicants authorize the Commissioner to charge the appropriate fee of \$120 for the extension of time to Deposit Account No. 06-1315, Order No. LUCW:0003/FLE-Kansal 2-6. Furthermore, in accordance with 37 C.F.R. § 1.136, Applicants hereby provide a general authorization to treat this and any future reply requiring an extension of time as incorporating a request therefor.

**Conclusion**

Applicants respectfully submit that all pending claims should be in condition for allowance. However, if the Examiner wishes to resolve any other issues by way of a telephone conference, the Examiner is kindly invited to contact the undersigned attorney at the telephone number indicated below.

Respectfully submitted,

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